

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of : B. DISSE ) Art Unit: 1614  
U.S. Appln. No. : To be assigned ) Examiner: V. Y. Kim  
Confirmation No. : To be assigned  
U.S. Filing Date : August 20, 2003  
Title of Invention : COMPOUNDS FOR TREATING INFLAMMATORY DISEASES  
Attny. Docket No.: 1/1196-1-C1

Mail Stop Patent Application  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

August 20, 2003

**TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT**

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, as more specifically described hereinbelow.

1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

- A statement as specified in 37 C.F.R. §1.97(e) [see below]; or
- The fee set forth in 37 C.F.R. §1.17(p).

The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

1.97(e).

Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

The fee set forth in 37 C.F.R. §1.17(p).

The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,



Mary-Ellen M. Devlin  
Attorney for Applicant(s)  
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Date: August 20, 2003

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Mary-Ellen M. Devlin, Reg. No. 27,928

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Substitute for form 1449/PTO		<b>C mplete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Application Number	To be assigned
		Filing Date	August 19, 2003
		First Named Inventor	Bernd Disse
		Art Unit	1614
		Examiner Name	V.Y. Kim
Sheet	1	of	2
		Attorney Docket Number	1/1196-1-C1

**U. S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			T <sup>6</sup>
		WO 00/47200	08/17/2000	Novartis-Erfindungen Verwaltungsgesellschaft M.B.H.	
		WO 01/12167 A2	02/22/2001	Astrazeneca UK Limited	
		WO 01/78739 A1	10/25/2001	Glaxo Group Limited	
		WO01/10427 A2	02/2001	AAarakis Limited	
		WO98/00119	01/1998	Wessler et al	

Examiner Signature		Date Considered	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup> Applicant's unique citation designation number (optional). <sup>3</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, Washington, DC 20231.**

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<p>Substitute for form 1449/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(Use as many sheets as necessary)</p>				<b>Complete if Known</b>	
				Application Number	To be assigned
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				Examiner Name	V.Y. Kim
Sheet	2	of	2	Attorney Docket Number	1/1196-1-C1

<b>OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		WITEK T. J., JR: "Anticholinergic Bronchodilators." RESPIRATORY CARE CLINICS OF NORTH AMERICA, UNITED STATES DEC 1999, Bd. 5, Nr. 4, December 1999 pages 521-536 XP008014468, ISSN: 1078-5337	
		Wegner, Craig, Novel Mechanistic Targets for the Treatment of Sub-Acute and Chronic Bronchitis, Current Pharmaceutical Design, 2001, Vol. 7, Pages 199-212, full text, especially page 201.	
		Peter Barnes, Novel Approaches and Targets for Treatment of Chronic Obstructive Pulmonary Disease, American Journal of Respiratory and Critical Care Medicine, Vol. 160(5), Nov. 1999, Pages S72-S79.	
		Leckie et al., Novel Therapy for COPD., Database CAPLUS, AN 2000:16639, abstract only, Expert Opinion on Investigational Drugs, 2000, Vol. 9(1), Pages 3-23.	
		"bronchitis", The American Heritage Dictionary of the English Language, Foruth Edition, 2000	
		Barnes, Peter, Muscarinic receptor subtypes in airways, Database GOOGLE.com "abstract alone, Euroconference, April 1998	
		Product information: Tiotropium Bromide (SPIRIVA TM), Database GOOGLE.com, Drugs of the future, 2000, Vol. 25(7):693-699	
		Petty, T., The Rising Epidemic COPD in Women, Database GOOGLE.com, 1999, volumn 2(12), pages 942-953	

Examiner Signature	Date Considered
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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